

REMARKS**I. Status of the Application**

Claims 1-8 were pending in the application prior to this amendment. Claims 2-4 and 8 were objected to because of informalities. Claims 1-8 were also rejected by the Examiner.

With this amendment, Claims 1-7 have been amended, and claim 8 has been cancelled without prejudice or disclaimer, in order to expedite prosecution. No new matter has been introduced, and thus, entry and consideration of this Amendment are respectfully requested.

II. Objections to the Specification

The specification was objected to because of an informality. More specifically, the Examiner has requested that a typographical error in the specification be corrected.

In response to the Examiner's objection, the specification has been amended to eliminate the informality noted by the Examiner. As a result, Applicants believe that no further formal issues exist, and respectfully request that the objection to the specification be withdrawn.

III. Objections to the Claims

Claims 2-4 and 8 were objected to because of informalities. More specifically, the Examiner objected to line 1 of claims 2-4 because the phrase "according claim 1" should be corrected to "according to claim 1." The Examiner has objected to lines 3 and 7 of claim 2 because the phrase "irradiation region region" should be corrected to "irradiation region". The Examiner has also objected to claim 8 because it is deemed written in an unclear manner and has suggested changing claim 8 to read "A computer readable medium, storing a computer program according to the method of claim 6."

In response to the aforementioned claim objections, claims 2-4 have been amended to correct the above-indicated informalities, and claim 8 has been canceled without prejudice or disclaimer. As a result, Applicants believe that no further formal issues exist in the pending claims, and respectfully request that the objections to claims 2-4 and 8 be withdrawn.

IV. Claim Rejections - 35 U.S.C.§ 101

Claim 7 was rejected under 35 U.S.C.§ 101 because the claimed invention is directed to non-statutory subject matter. More specifically, claim 7 recites a computer program including functional descriptive material not embodied on a computer-readable medium that was deemed to be non-statutory subject matter by the Examiner under current USPTO guidelines.

In response to the 35 U.S.C.§ 101 rejection, Applicants have amended claim 7 to further recite that the program is stored on a computer-readable medium. In view of this change, Applicants respectfully request that the 35 U.S.C.§ 101 rejection to claim 7 now be withdrawn.

V. Claim Rejections - 35 U.S.C.§ 102

Claims 1-3 and 5-8 stand rejected under 35 U.S.C.§ 102(b) as being anticipated by U.S. Publication 2002/00114504 A1 to Shinbata (hereafter, "Shinbata"). More specifically, the Examiner contends that Shinbata anticipates each and every limitation of claim 1-3 and 5-8.

Applicants respectfully request reconsideration of the claims in view of the amendments now presented herein. For example, the amendment to claim 1 recites that a processed image is obtained by sorting pixels of an original image into an order from pixels having higher pixel values to pixels having lower pixel values. With this configuration, for example, as applied to an image of the object obtained by the radiation photography, the tissue of the object can be extracted based on the amount of the X-ray transmitted as a reference.

In contrast, Shinbata discloses a histogram in which the values of the pixel values are rearranged. This histogram merely indicates the frequency of each of the pixel values, and does not recite or imply the limitations of amended claim 1 as discussed above. Therefore, Applicants assert that the claimed invention, as amended, is distinguishable from Shinbata. Independent claims 5 and 6 have been amended in a manner similar to claim 1, and therefore, are likewise distinguishable. In view of the above, Applicants respectfully request that the rejection to claims 1-3 and 5-8 under 35 U.S.C.§ 102(b) as anticipated by Shinbata now be withdrawn.

VI. Claim Rejections - 35 U.S.C. § 103

Claim 4 was rejected under 35 U.S.C.§ 103(a) as being unpatentable over Shinbata in view of U.S. 5,995,108 to Isobe, *et al.* (hereafter, “Isobe”). More specifically, the Examiner contends that the each and every limitation of claim 4 is obvious in view of the combined teachings of the Shinbata and Isobe references.

Claim 4 depends from independent claim 1, and therefore, is distinguishable for at least the reasons previously set forth above with respect to claim 1. Therefore, Applicants respectfully request that the 35 U.S.C.§ 103(a) rejection to claim 4 now be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-5203. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 13-4500, Order No. 1232-5203. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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